

HOUSE JOURNAL

EIGHTY-THIRD LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FIFTY-SIXTH DAY — TUESDAY, APRIL 23, 2013

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 260).

Present — Mr. Speaker; Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Giddings; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Absent, Excused — Martinez Fischer.

The speaker recognized Representative Villalba who introduced Andy Wileman, senior pastor, Grace Bible Church, Dallas, who offered the invocation.

The speaker recognized Representative Perez who led the house in the pledges of allegiance to the United States and Texas flags.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for today because of important business:

Martinez Fischer on motion of Lucio.

REGULAR ORDER OF BUSINESS SUSPENDED

On motion of Representative Workman and by unanimous consent, the reading and referral of bills was postponed until just prior to adjournment.

CAPITOL PHYSICIAN

The speaker recognized Representative Howard who presented Dr. Georgeanne Freeman of Austin as the "Doctor for the Day."

The house welcomed Dr. Freeman and thanked her for her participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

(Márquez in the chair)

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

INTRODUCTION OF GUESTS

The chair recognized Representative Nevárez who introduced representatives of the McDonald Observatory.

HR 1392 - ADOPTED (by Nevárez)

Representative Nevárez moved to suspend all necessary rules to take up and consider at this time **HR 1392**.

The motion prevailed.

The following resolution was laid before the house:

HR 1392, Commemorating the 75th anniversary of McDonald Observatory.

HR 1392 was adopted.

On motion of Representative Lewis, the names of all the members of the house were added to **HR 1392** as signers thereof.

HR 1469 - ADOPTED (by Dale)

Representative Dale moved to suspend all necessary rules to take up and consider at this time **HR 1469**.

The motion prevailed.

The following resolution was laid before the house:

HR 1469, Honoring the organization AT&T Veterans for 30 years of service to military personnel, veterans, and their families.

HR 1469 was adopted.

On motion of Representatives Aycock, R. Miller, and R. Sheffield, the names of all the members of the house were added to **HR 1469** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Dale who introduced representatives of AT&T Veterans.

HR 1431 - ADOPTED
(by Canales)

Representative Canales moved to suspend all necessary rules to take up and consider at this time **HR 1431**.

The motion prevailed.

The following resolution was laid before the house:

HR 1431, Recognizing April 23, 2013, as Migrant Farmworker Day at the State Capitol.

HR 1431 was adopted.

On motion of Representative Moody, the names of all the members of the house were added to **HR 1431** as signers thereof.

HR 1517 - ADOPTED
(by Larson)

Representative Geren moved to suspend all necessary rules to take up and consider at this time **HR 1517**.

The motion prevailed.

The following resolution was laid before the house:

HR 1517, Recognizing April 23, 2013, as Texas Desalination Day.

HR 1517 was adopted.

HR 1470 - ADOPTED
(by Dale, Gonzales, and Farney)

Representative Dale moved to suspend all necessary rules to take up and consider at this time **HR 1470**.

The motion prevailed.

The following resolution was laid before the house:

HR 1470, Recognizing April 23, 2013, as Williamson County Day at the State Capitol.

HR 1470 was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Dale who introduced a delegation from Williamson County.

HR 1441 - ADOPTED
(by Gonzales)

Representative Gonzales moved to suspend all necessary rules to take up and consider at this time **HR 1441**.

The motion prevailed.

The following resolution was laid before the house:

HR 1441, Recognizing April 23, 2013, as Hutto Day at the State Capitol.

HR 1441 was adopted.

On motion of Representative Gonzales, the names of all the members of the house were added to **HR 1441** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Gonzales who introduced a delegation from Hutto.

(Geren in the chair)

MAJOR STATE CALENDAR HOUSE BILLS THIRD READING

The following bills were laid before the house and read third time:

HB 1685 ON THIRD READING (by Price)

HB 1685, A bill to be entitled An Act relating to the continuation of the self-directed and semi-independent status of the Texas State Board of Public Accountancy, the Texas Board of Professional Engineers, and the Texas Board of Architectural Examiners.

HB 1685 was passed by (Record 261): 133 Yeas, 9 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Deshotel; Dukes; Dutton; Eiland; Fallon; Farias; Farney; Farrar; Fletcher; Frank; Frullo; Giddings; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; Kleinschmidt; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Smith; Smithee; Springer; Stephenson; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; Workman; Wu; Zerwas.

Nays — Carter; Flynn; Hughes; Klick; Phillips; Schaefer; Simpson; Stickland; Zedler.

Present, not voting — Mr. Speaker; Geren(C).

Absent, Excused — Martinez Fischer.

Absent — Davis, Y.; Elkins; King, T.; Reynolds; White.

STATEMENTS OF VOTE

I was shown voting no on Record No. 261. I intended to vote yes.

Carter

I was shown voting yes on Record No. 261. I intended to vote no.

Krause

When Record No. 261 was taken, I was in the house but away from my desk. I would have voted no.

White

HB 1717 ON THIRD READING

(by Price)

HB 1717, A bill to be entitled An Act relating to the continuation and functions of the Texas Board of Architectural Examiners; changing certain fees.

HB 1717 was passed by (Record 262): 112 Yeas, 34 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Branch; Burkett; Burnam; Callegari; Canales; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farney; Farrar; Frullo; Geren(C); Giddings; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hunter; Johnson; Kacal; Keffer; King, K.; King, S.; Kolkhorst; Kuempel; Larson; Lavender; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Muñoz; Murphy; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Smith; Smithee; Stephenson; Strama; Thompson, S.; Toth; Turner, C.; Turner, S.; Villalba; Villarreal; Vo; Walle; Workman; Wu; Zerwas.

Nays — Bohac; Bonnen, D.; Bonnen, G.; Button; Capriglione; Carter; Creighton; Elkins; Fallon; Fletcher; Flynn; Frank; Goldman; Harper-Brown; Hughes; Isaac; King, P.; Kleinschmidt; Klick; Krause; Laubenberg; Leach; Morrison; Phillips; Sanford; Schaefer; Simpson; Springer; Stickland; Taylor; Thompson, E.; Turner, E.S.; White; Zedler.

Present, not voting — Mr. Speaker.

Absent, Excused — Martinez Fischer.

Absent — King, T.; Naishtat.

STATEMENTS OF VOTE

I was shown voting no on Record No. 262. I intended to vote yes.

Bohac

I was shown voting yes on Record No. 262. I intended to vote no.

Huberty

I was shown voting yes on Record No. 262. I intended to vote no.

Parker

GENERAL STATE CALENDAR HOUSE BILLS THIRD READING

The following bills were laid before the house and read third time:

HB 347 ON THIRD READING (by Pitts and Cook)

HB 347, A bill to be entitled An Act relating to prohibiting using a wireless communication device while operating a motor vehicle on school property.

HB 347 was passed by (Record 263): 130 Yeas, 15 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Ashby; Aycock; Bell; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Fallon; Farias; Farney; Farrar; Frullo; Giddings; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hughes; Isaac; Johnson; Kacal; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Krause; Kuempel; Larson; Lavender; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Smith; Smithee; Springer; Stephenson; Strama; Thompson, E.; Thompson, S.; Turner, C.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zerwas.

Nays — Anderson; Bohac; Elkins; Fletcher; Flynn; Frank; Klick; Laubenberg; Leach; Simpson; Stickland; Taylor; Toth; Turner, E.S.; Zedler.

Present, not voting — Mr. Speaker; Geren(C).

Absent, Excused — Martinez Fischer.

Absent — Hunter; Keffer.

STATEMENTS OF VOTE

I was shown voting no on Record No. 263. I intended to vote yes.

Anderson

I was shown voting no on Record No. 263. I intended to vote yes.

Bohac

When Record No. 263 was taken, I was in the house but away from my desk. I would have voted yes.

Hunter

I was shown voting no on Record No. 263. I intended to vote yes.

E. S. Turner

HB 397 ON THIRD READING

(by Larson)

HB 397, A bill to be entitled An Act relating to the transfer of extraterritorial jurisdiction between certain home-rule and general-law municipalities and annexation of certain territory by the general-law municipalities.

HB 397 was passed by (Record 264): 144 Yeas, 0 Nays, 2 Present, not voting. (The vote was reconsidered later today, and **HB 397** was amended and was passed by Record No. 280.)

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Giddings; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hughes; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martínez; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Geren(C).

Absent, Excused — Martinez Fischer.

Absent — Hunter; Nevárez; Rodriguez, E.

STATEMENTS OF VOTE

When Record No. 264 was taken, I was in the house but away from my desk. I would have voted yes.

Hunter

When Record No. 264 was taken, my vote failed to register. I would have voted yes.

Nevárez

HB 528 ON THIRD READING (by S. Turner, Giddings, and Miles)

HB 528, A bill to be entitled An Act relating to the restriction of access to the records and files of a child charged with or convicted of certain fine-only misdemeanor offenses.

HB 528 was passed by (Record 265): 146 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Giddings; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Geren(C).

Absent, Excused — Martinez Fischer.

Absent — Naishtat.

STATEMENT OF VOTE

When Record No. 265 was taken, I was in the house but away from my desk. I would have voted yes.

Naishtat

HB 561 ON THIRD READING
(by Workman, Eiland, and Naishtat)

HB 561, A bill to be entitled An Act relating to an exemption for land owned by a school from the additional tax imposed on the change of use of land appraised for ad valorem tax purposes as qualified open-space land.

HB 561 was passed by (Record 266): 147 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Giddings; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Geren(C).

Absent, Excused — Martinez Fischer.

HB 535 ON THIRD READING
(by Y. Davis, Reynolds, Keffer, Miles, Naishtat, et al.)

HB 535, A bill to be entitled An Act relating to the preference given by state agencies to goods offered by bidders in this state or manufactured, produced, or grown in this state or in the United States.

Amendment No. 1

Representative Y. Davis offered the following amendment to **HB 535**:

Amend **HB 535** on third reading by striking page 2, lines 9-11, and substituting the following:

(2) "Manufactured" means, with respect to a manufactured good, an item produced as a result of a manufacturing process that alters the form or function of components, including articles, materials, or supplies, that are directly incorporated into the item in a manner that adds value and transforms the components into a finished item that is functionally distinct from a finished item produced merely from assembling the components into the item.

Amendment No. 1 was adopted.

HB 535, as amended, was passed by (Record 267): 146 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Giddings; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Geren(C).

Absent, Excused — Martinez Fischer.

Absent — Ratliff.

STATEMENT OF VOTE

When Record No. 267 was taken, my vote failed to register. I would have voted yes.

Ratliff

HB 617 ON THIRD READING

(by E. Rodriguez, Ratliff, N. Gonzalez, Alvarado, and Lucio)

HB 617, A bill to be entitled An Act relating to transition and employment services for public school students enrolled in special education programs.

HB 617 was passed by (Record 268): 89 Yeas, 55 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Aycock; Bohac; Branch; Burkett; Burnam; Callegari; Canales; Coleman; Collier; Cortez; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farney; Farrar; Fletcher; Giddings; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Hernandez Luna; Herrero; Howard; Huberty; Hunter; Isaac; Johnson; Kacal; King, K.; King, T.; Kleinschmidt; Kuempel; Larson; Lavender; Longoria; Lucio; Márquez; Martinez; McClendon; Menéndez; Miles; Moody; Muñoz; Naishtat; Nevárez; Oliveira; Otto; Paddie; Patrick; Perez; Perry; Pickett; Pitts;

Price; Raney; Ratliff; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Sheffield, R.; Smith; Stephenson; Strama; Thompson, S.; Turner, C.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Wu; Zerwas.

Nays — Anderson; Ashby; Bell; Bonnen, D.; Bonnen, G.; Button; Capriglione; Carter; Clardy; Cook; Craddick; Creighton; Crownover; Dale; Elkins; Fallon; Flynn; Frank; Frullo; Goldman; Harless; Harper-Brown; Hilderbran; Hughes; King, P.; King, S.; Klick; Kolkhorst; Krause; Laubenberg; Leach; Lewis; Lozano; Miller, D.; Miller, R.; Morrison; Orr; Parker; Phillips; Riddle; Ritter; Sanford; Schaefer; Sheets; Simmons; Simpson; Smithee; Springer; Stickland; Taylor; Thompson, E.; Toth; Turner, E.S.; Workman; Zedler.

Present, not voting — Mr. Speaker; Geren(C).

Absent, Excused — Martinez Fischer.

Absent — Keffer; Murphy; Sheffield, J.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 268. I intended to vote no.

Branch

I was shown voting yes on Record No. 268. I intended to vote no.

Hunter

When Record No. 268 was taken, I was in the house but away from my desk. I would have voted no.

Murphy

I was shown voting yes on Record No. 268. I intended to vote no.

Perry

HB 1278 ON THIRD READING (by Lozano)

HB 1278, A bill to be entitled An Act relating to the application of the professional prosecutors law to the district attorney for the 79th Judicial District.

HB 1278 was passed by (Record 269): 142 Yeas, 5 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Giddings; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; McClendon; Menéndez; Miles; Miller, D.; Miller, R.;

Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Hughes; Krause; Perry; Schaefer; Stickland.

Present, not voting — Mr. Speaker; Geren(C).

Absent, Excused — Martinez Fischer.

STATEMENT OF VOTE

I was shown voting no on Record No. 269. I intended to vote yes.

Hughes

HB 1864 ON THIRD READING

(by Wu)

HB 1864, A bill to be entitled An Act relating to certain energy security technologies for critical governmental facilities.

HB 1864 was passed by (Record 270): 145 Yeas, 2 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Frank; Frullo; Giddings; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Flynn; Harper-Brown.

Present, not voting — Mr. Speaker; Geren(C).

Absent, Excused — Martinez Fischer.

**HB 1128 ON THIRD READING
(by Herrero and Cortez)**

HB 1128, A bill to be entitled An Act relating to posting suggestions and ideas on cost-efficiency on certain state agency websites.

HB 1128 was passed by (Record 271): 111 Yeas, 34 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Ashby; Aycock; Bell; Bonnen, D.; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Giddings; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Hunter; Isaac; Johnson; Kacal; Keffer; King, T.; Klick; Kolkhorst; Krause; Lavender; Longoria; Lozano; Lucio; Márquez; Martinez; McClendon; Menéndez; Miller, D.; Miller, R.; Moody; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Otto; Parker; Patrick; Perez; Perry; Pickett; Pitts; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheffield, J.; Simmons; Simpson; Smith; Stephenson; Stickland; Strama; Taylor; Thompson, S.; Toth; Turner, C.; Turner, S.; Villarreal; Vo; Walle; White; Wu; Zerwas.

Nays — Anderson; Bohac; Bonnen, G.; Branch; Crownover; Dale; Fletcher; Flynn; Frank; Frullo; Huberty; Hughes; King, K.; King, P.; King, S.; Kleinschmidt; Kuempel; Larson; Laubenberg; Leach; Lewis; Morrison; Orr; Paddie; Phillips; Price; Sheets; Smithee; Springer; Thompson, E.; Turner, E.S.; Villalba; Workman; Zedler.

Present, not voting — Mr. Speaker; Geren(C).

Absent, Excused — Martinez Fischer.

Absent — Miles; Sheffield, R.

STATEMENTS OF VOTE

I was shown voting no on Record No. 271. I intended to vote yes.

Bohac

I was shown voting yes on Record No. 271. I intended to vote no.

Cook

I was shown voting yes on Record No. 271. I intended to vote no.

Hunter

I was shown voting yes on Record No. 271. I intended to vote no.

Parker

When Record No. 271 was taken, my vote failed to register. I would have voted no.

R. Sheffield

HB 2637 ON THIRD READING
(by Frullo)

HB 2637, A bill to be entitled An Act relating to the fraudulent use of identifying information by certain sex offenders; providing criminal penalties.

HB 2637 was passed by (Record 272): 145 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Giddings; Goldman; Gonzales; González, M.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Geren(C).

Absent, Excused — Martinez Fischer.

Absent — Gonzalez, N.; Naishtat.

GENERAL STATE CALENDAR
SENATE BILLS
THIRD READING

The following bills were laid before the house and read third time:

SB 953 ON THIRD READING
(Elkins, Button, and Reynolds - House Sponsors)

SB 953, A bill to be entitled An Act relating to the adoption of the Uniform Trade Secrets Act.

SB 953 was passed by (Record 273): 146 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn;

Frank; Frullo; Giddings; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Longoria; Lozano; Lucio; Márquez; Martínez; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Lewis.

Present, not voting — Mr. Speaker; Geren(C).

Absent, Excused — Martinez Fischer.

STATEMENT OF VOTE

I was shown voting yes on Record No. 273. I intended to vote no.

Perry

MAJOR STATE CALENDAR HOUSE BILLS SECOND READING

The following bills were laid before the house and read second time:

CSHB 2197 ON SECOND READING (by Anchia)

CSHB 2197, A bill to be entitled An Act relating to the continuation and functions of the Texas Lottery Commission; providing penalties; imposing and changing fees.

Representative Anchia moved to postpone consideration of **CSHB 2197** until 11 a.m. today.

The motion prevailed.

GENERAL STATE CALENDAR HOUSE BILLS SECOND READING

The following bills were laid before the house and read second time:

CSHB 578 ON SECOND READING (by Guillen)

CSHB 578, A bill to be entitled An Act relating to the regulation of industrialized housing and buildings.

Representative Guillen moved to postpone consideration of **CSHB 578** until 10 a.m. Thursday, April 25.

The motion prevailed.

HB 832 ON SECOND READING
(by Giddings, Branch, et al.)

HB 832, A bill to be entitled An Act relating to the abatement of mosquitoes in stagnant water located on certain uninhabited residential property.

Representative Giddings moved to postpone consideration of **HB 832** until 2 p.m. Monday, April 29.

The motion prevailed.

(Harper-Brown in the chair)

HB 1029 ON SECOND READING
(by G. Bonnen, et al.)

HB 1029, A bill to be entitled An Act relating to a home loan program operated by the Texas State Affordable Housing Corporation.

HB 1029 was passed to engrossment.

HB 1160 ON SECOND READING
(by Geren)

HB 1160, A bill to be entitled An Act relating to the transfer of a certificate of convenience and necessity in certain municipalities.

Amendment No. 1

Representative Geren offered the following amendment to **HB 1160**:

Amend **HB 1160** (house committee report) as follows:

(1) On page 2, line 1, between "transfer" and "a certificate", insert "at such time and under such circumstances as specified by a trial court".

(2) On page 2, lines 5-7, strike "is willing to provide continuous and adequate water and sewer service to the area; and
(2)".

(3) On page 2, line 10, between "limits" and the period, insert the following:
"; and

(2) will possess the financial, managerial, and technical capability to provide continuous and adequate water and sewer service to the area to the satisfaction of or in accordance with the orders of a trial court at the time of transfer"

(4) On page 2, lines 11-17, strike "is effective on the date the court in which the condemnation proceeding is pending issues an order that:

(1) transfers the property of the public utility to the municipality; and

(2) requires the municipality to ensure continuous and adequate water and sewer service to the citizens of the municipality." and substitute the following:

"of the certificate shall not be effective unless:

(1) a judgment that transfers the real property of the public utility to the municipality becomes final and is not subject to further appeal; and

(2) the municipality has paid to the public utility the fair market value compensation due, as set by agreement or as ordered by a court judgment, for that taking of real property.

(d) This section does not expand, restrict, or otherwise alter the law with regard to a municipality's right to exercise the power of eminent domain under Chapter 21, Property Code."

Amendment No. 1 was adopted.

HB 1160, as amended, was passed to engrossment. (Simpson recorded voting no.)

HB 166 ON SECOND READING

(by McClendon, Moody, Canales, Crownover, Leach, et al.)

HB 166, A bill to be entitled An Act relating to the creation of a commission to investigate convictions after exoneration and to prevent wrongful convictions.

(Speaker in the chair)

Amendment No. 1

Representative Schaefer offered the following amendment to **HB 166**:

Amend **HB 166** (house committee printing) on page 5 of the bill, on line 26, by striking "particular case" and substituting "case in which there has been an exoneration or a final disposition of a writ of habeas corpus".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Leach offered the following amendment to **HB 166**:

Amend **HB 166** (house committee printing) on page 4, line 4 by striking "2025" and substituting "2021".

Amendment No. 2 was adopted.

Amendment No. 3

Representative P. King offered the following amendment to **HB 166**:

Amend **HB 166** (house committee report) on page 1, line 11, between "members" and "appointed" by inserting ", at least one of whom must be a member of the law enforcement community,".

Amendment No. 3 was adopted.

HB 166, as amended, was passed to engrossment. (Ashby, Aycock, Button, Carter, Clardy, Craddick, Darby, Flynn, Huberty, Lavender, Lewis, D. Miller, Otto, Phillips, Springer, and White recorded voting no.)

HB 397 - NOTICE GIVEN

Pursuant to the provisions of Rule 7, Section 37 of the House Rules, at 11:45 a.m., Representative Larson announced his intention to make the motion to reconsider the vote by which **HB 397** passed by Record No. 264.

POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

HB 502 ON SECOND READING

(by Hernandez Luna, Lozano, R. Sheffield, R. Miller, and Anderson)

HB 502, A bill to be entitled An Act relating to the practice of dentistry.

HB 502 was read second time on April 19 and was postponed until 11 a.m. today.

Amendment No. 1

Representative Frank offered the following amendment to **HB 502**:

Amend **HB 502** (house committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. (a) In this Act, "teeth whitening" means the use of a chemical or other material, tool, product, service, or procedure to whiten human teeth. The term does not include the use of a product sold over the counter by an ultimate consumer.

(b) The State Board of Dental Examiners shall conduct a study on the health and safety risks associated with unlicensed cosmetic dentistry specifically related to the practice of teeth whitening.

(c) The study must determine the number of unlicensed individuals and businesses in this state that engage in teeth whitening and the number of reported instances of harm or injury caused by unregulated teeth whitening.

(d) Not later than January 1, 2015, the board shall submit a report on the results of the study to the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officer of each standing committee of the legislature with jurisdiction over health matters. The report must contain recommendations based on the findings.

(e) This section expires August 31, 2015.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

(Harper-Brown in the chair)

Representative Kolkhorst moved to table Amendment No. 1.

The motion to table prevailed by (Record 274): 89 Yeas, 55 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Branch; Burnam; Callegari; Canales; Clardy; Coleman; Collier; Cook; Cortez; Darby; Davis, J.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Farney;

Farrar; Geren; Giddings; González, M.; Gonzalez, N.; Guerra; Gutierrez; Harless; Hernandez Luna; Herrero; Howard; Huberty; Hunter; Johnson; Kacal; King, K.; King, S.; King, T.; Kolkhorst; Kuempel; Larson; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Menéndez; Miles; Miller, R.; Moody; Muñoz; Naishtat; Nevárez; Oliveira; Otto; Paddie; Patrick; Perez; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Rodriguez, E.; Rodriguez, J.; Rose; Sheffield, J.; Sheffield, R.; Smith; Smithee; Strama; Thompson, S.; Turner, C.; Turner, S.; Villarreal; Vo; Walle; Workman; Wu; Zerwas.

Nays — Bell; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Button; Capriglione; Carter; Craddick; Creighton; Crownover; Davis, S.; Fallon; Fletcher; Flynn; Frank; Frullo; Goldman; Gonzales; Gooden; Guillen; Hilderbran; Hughes; Isaac; Keffer; King, P.; Kleinschmidt; Klick; Krause; Laubenberg; Lavender; Leach; Miller, D.; Morrison; Murphy; Orr; Parker; Perry; Phillips; Ritter; Sanford; Schaefer; Sheets; Simmons; Simpson; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Toth; Turner, E.S.; Villalba; White; Zedler.

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent, Excused — Martinez Fischer.

Absent — Dale; Farias; McClendon.

STATEMENTS OF VOTE

I was shown voting no on Record No. 274. I intended to vote yes.

S. Davis

I was shown voting yes on Record No. 274. I intended to vote no.

Huberty

I was shown voting yes on Record No. 274. I intended to vote no.

Hunter

When Record No. 274 was taken, my vote failed to register. I would have voted yes.

McClendon

Amendment No. 2

Representative Villalba offered the following amendment to **HB 502**:

Amend **HB 502** (house committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Subtitle D, Title 3, Occupations Code, is amended by adding Chapter 268 to read as follows:

CHAPTER 268. CERTIFICATION OF DENTAL ASSISTANTS

Sec. 268.001. DEFINITION. In this chapter, "teeth whitening" means the use of a chemical or other material, tool, product, service, or procedure to whiten human teeth. The term does not include the use by an ultimate consumer of a teeth whitening product sold over the counter.

Sec. 268.002. CERTIFICATION REQUIRED. (a) A person may not engage in the practice of teeth whitening unless the person is a licensed dentist or a licensed or certified dental hygienist or a dental assistant certified by the board to engage in the practice of teeth whitening.

(b) The board shall adopt rules to implement this chapter, including rules establishing qualifications for certification under this chapter.

SECTION 2. The State Board of Dental Examiners shall adopt rules to implement Chapter 268, Occupations Code, as added by this Act, not later than November 1, 2013.

SECTION 3. (a) Except as provided by Subsection (b) of this Section, this Act takes effect January 1, 2014.

(b) Section 2 of this Act takes effect September 1, 2013.

Representative Kolkhorst moved to table Amendment No. 2.

The motion to table prevailed by (Record 275): 103 Yeas, 41 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bohac; Branch; Burnam; Button; Callegari; Canales; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Crownover; Dale; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Farias; Farney; Farrar; Frullo; Geren; Giddings; Gonzales; González, M.; Gonzalez, N.; Guerra; Gutierrez; Harless; Hernandez Luna; Herrero; Hilderbran; Howard; Hunter; Johnson; Kacal; King, K.; King, P.; King, S.; King, T.; Kolkhorst; Kuempel; Larson; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Patrick; Perez; Perry; Phillips; Pickett; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Sheffield, J.; Sheffield, R.; Smith; Smithee; Strama; Thompson, S.; Turner, C.; Turner, S.; Villarreal; Vo; Walle; Workman; Wu; Zerwas.

Nays — Bell; Bonnen, D.; Bonnen, G.; Burkett; Capriglione; Carter; Creighton; Darby; Fallon; Fletcher; Flynn; Frank; Goldman; Gooden; Guillen; Huberty; Hughes; Isaac; Keffer; Kleinschmidt; Klick; Krause; Laubenberg; Lavender; Leach; Murphy; Parker; Price; Schaefer; Sheets; Simmons; Simpson; Springer; Stickland; Taylor; Thompson, E.; Toth; Turner, E.S.; Villalba; White; Zedler.

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent, Excused — Martinez Fischer.

Absent — Pitts; Raney; Stephenson.

STATEMENT OF VOTE

When Record No. 275 was taken, I was temporarily out of the house chamber. I would have voted yes.

Stephenson

Amendment No. 3

Representative Fallon offered the following amendment to **HB 502**:

Amend **HB 502** (house committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Subtitle D, Title 3, Occupations Code, is amended by adding Chapter 268 to read as follows:

CHAPTER 268. TEETH WHITENING

Sec. 268.001. DEFINITION. In this chapter, "teeth whitening" means the use of a chemical or other material, tool, product, service, or procedure to whiten human teeth. The term does not include the use by an ultimate consumer of a teeth whitening product sold over the counter.

Sec. 268.002. PERFORMANCE OF TEETH WHITENING. (a) A person may not engage in the practice of teeth whitening unless the person is a licensed dentist or a cosmetic dental technician.

SECTION 2. This Act takes effect September 1, 2013.

Representative Hernandez Luna moved to table Amendment No. 3.

The motion to table prevailed.

HB 502 was passed to engrossment by (Record 276): 111 Yeas, 36 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Callegari; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Farias; Farney; Farrar; Frullo; Geren; Giddings; Gonzales; González, M.; Gonzalez, N.; Guerra; Guillen; Gutierrez; Harless; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hunter; Johnson; Kacal; Keffer; King, K.; King, S.; King, T.; Kolkhorst; Kuempel; Larson; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Otto; Paddie; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Sheets; Sheffield, J.; Sheffield, R.; Smith; Smithee; Stephenson; Strama; Thompson, S.; Turner, C.; Turner, S.; Villalba; Villarreal; Vo; Walle; Workman; Wu; Zerwas.

Nays — Bell; Bohac; Button; Carter; Craddick; Creighton; Crownover; Fallon; Fletcher; Flynn; Frank; Goldman; Gooden; Hughes; Isaac; King, P.; Kleinschmidt; Klick; Krause; Laubenberg; Lavender; Leach; Morrison; Orr; Parker; Schaefer; Simmons; Simpson; Springer; Stickland; Taylor; Thompson, E.; Toth; Turner, E.S.; White; Zedler.

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent, Excused — Martinez Fischer.

CSHB 2197 ON SECOND READING
(by Anchia)

CSHB 2197, A bill to be entitled An Act relating to the continuation and functions of the Texas Lottery Commission; providing penalties; imposing and changing fees.

CSHB 2197 was read second time earlier today and was postponed until this time.

Amendment No. 1

Representatives Herrero and Martinez Fischer offered the following amendment to **CSHB 2197**:

Amend **CSHB 2197** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 466.408(b), Government Code, is amended to read as follows:

(b) If a claim is not made for prize money on or before the 180th day after the date on which the winner was selected, the prize money shall be used in the following order of priority:

(1) subject to legislative appropriation, not more than \$20 million in prize money each year may be deposited to ~~[or appropriated from]~~ the ~~[Texas]~~ Department of State Health Services state-owned multicategorical teaching hospital account, which is an account in the general revenue fund, or appropriated from that account to provide indigent health care services as specified in Chapter 61, Health and Safety Code;

(2) not more than \$5 million in prize money each year may be appropriated to the Health and Human Services Commission and shall be used to support the provision of inpatient hospital services in hospitals located in the 15 counties that comprise the Texas-Mexico border area, with payment for those services to be not less than the amount established under the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) cost reimbursement methodology for the hospital providing the services;

(3) the remaining amount, not to exceed \$5 million in prize money in each state fiscal year less any amount deposited in the fund in that year attributable to the lottery game operated under Section 466.027, shall be deposited to the fund for veterans' assistance; and

(4) all prize money subject to this section and not deposited or appropriated in accordance with ~~[from the Texas Department of Health state owned multicategorical teaching hospital account, not appropriated to the Health and Human Services Commission for the purpose specified in]~~ Subdivision (1), (2), or ~~[and not deposited under Subdivision]~~ (3)^[5] shall be deposited to the credit of the foundation school ~~[in the general revenue]~~ fund ~~[and may be appropriated for any purpose as determined by the legislature, including the provision of indigent health care services as specified in Chapter 61, Health and Safety Code].~~

SECTION _____. Section 466.408(b), Government Code, as amended by this Act, applies only to a prize for which the winner is selected on or after September 1, 2013. A prize for which the winner was selected before September 1, 2013, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

Amendment No. 1 was withdrawn.

Amendment No. 2

Representative Walle offered the following amendment to **CSHB 2197**:

Amend **CSHB 2197** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 466.252, Government Code, is amended by adding Subsection (c) to read as follows:

(c) Any information included on a ticket as authorized under Subsection (b) or as required under Section 466.251(c) must be written in both English and Spanish.

SECTION _____. Section 466.252(c), Government Code, as added by this Act, applies only to a lottery game ticket that is initially offered on or after January 1, 2014.

Amendment No. 3

Representative Walle offered the following amendment to Amendment No. 2:

Amend Amendment No. 2 by Walle to **CSHB 2197** by striking lines 6 through 8 and substituting the following:

(c) The commission by rule shall require that a ticket that contains a number of words, as determined by commission rule, in a language other than English must include disclosures in that language.

Amendment No. 3 was adopted. (Phillips recorded voting no.)

Amendment No. 2, as amended, was adopted. (Crownover, Harless, and Phillips recorded voting no.)

Amendment No. 4

Representative Walle offered the following amendment to **CSHB 2197**:

Amend **CSHB 2197** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter I, Chapter 466, Government Code, is amended by adding Section 466.411 to read as follows:

Sec. 466.411. FINANCIAL LITERACY CLASS REQUIRED. (a) The director may not pay any portion of a prize awarded to a prize winner in an amount of \$10,000 or more unless the prize winner has completed a financial literacy class approved by the commission.

(b) The commission shall approve one or more financial literacy classes and make an approved class available to the public at each lottery claim center location. At least one approved class must be an Internet class available to the public at no charge, and a link to the class must be provided on the commission's Internet website. The commission may adopt rules to implement this section.

SECTION _____. (a) If the commission adopts rules to implement Section 466.411, Government Code, as added by this Act, the Texas Lottery Commission must adopt the rules not later than January 1, 2014.

(b) The Texas Lottery Commission shall approve at least one Internet financial literacy class as required by Section 466.411, Government Code, as added by this Act.

(c) Section 466.411, Government Code, as added by this Act, applies only to a lottery prize awarded on or after January 1, 2014.

Amendment No. 5

Representative Walle offered the following amendment to Amendment No. 4:

Amend Amendment No. 4 by Walle to **CSHB 2197** as follows:

(1) On page 1, line 8, strike "\$10,000" and substitute \$250,000.

(2) On page 1, lines 11 and 12, strike "and make an approved class available to the public at each lottery claim center location".

Amendment No. 5 was adopted. (Phillips recorded voting no.)

Amendment No. 4, as amended, failed of adoption by (Record 277): 45 Yeas, 98 Nays, 3 Present, not voting.

Yeas — Alonzo; Burnam; Canales; Coleman; Collier; Cortez; Davis, J.; Davis, Y.; Dukes; Dutton; Eiland; Farias; González, M.; Gonzalez, N.; Guerra; Guillen; Gutierrez; Hernandez Luna; Herrero; Howard; Johnson; Longoria; Lozano; Lucio; Márquez; Martinez; McClendon; Miles; Moody; Muñoz; Naishtat; Nevárez; Oliveira; Perez; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Thompson, S.; Turner, C.; Villarreal; Vo; Walle; Wu.

Nays — Allen; Alvarado; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Button; Callegari; Capriglione; Carter; Clardy; Cook; Craddick; Creighton; Crownover; Dale; Darby; Davis, S.; Deshotel; Elkins; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gooden; Harless; Hilderbran; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Miller, D.; Miller, R.; Morrison; Murphy; Orr; Otto; Paddie; Parker; Patrick; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Riddle; Ritter; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Toth; Turner, E.S.; Turner, S.; Vallalba; White; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Anchia; Harper-Brown(C).

Absent, Excused — Martinez Fischer.

Absent — Farrar; Giddings; Menéndez.

Amendment No. 6

Representatives Herrero and Martinez Fischer offered the following amendment to **CSHB 2197**:

Amend **CSHB 2197** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 466.408(b), Government Code, is amended to read as follows:

(b) If a claim is not made for prize money on or before the 180th day after the date on which the winner was selected, the prize money shall be used in the following order of priority:

(1) subject to legislative appropriation, not more than \$20 million in prize money each year may be deposited to ~~[or appropriated from]~~ the ~~[Texas]~~ Department of State Health Services state-owned multicategorical teaching hospital account, which is an account in the general revenue fund, or appropriated from that account to provide indigent health care services as specified in Chapter 61, Health and Safety Code;

(2) not more than \$5 million in prize money each year may be appropriated to the Health and Human Services Commission and shall be used to support the provision of inpatient hospital services in hospitals located in the 15 counties that comprise the Texas-Mexico border area, with payment for those services to be not less than the amount established under the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) cost reimbursement methodology for the hospital providing the services;

(3) the remaining amount, not to exceed \$5 million in prize money in each state fiscal year less any amount deposited in the fund in that year attributable to the lottery game operated under Section 466.027, shall be deposited to the fund for veterans' assistance; and

(4) all prize money subject to this section and not deposited or appropriated in accordance with ~~[from the Texas Department of Health state-owned multicategorical teaching hospital account, not appropriated to the Health and Human Services Commission for the purpose specified in]~~ Subdivision (1), (2), or ~~[and not deposited under Subdivision]~~ (3)~~]~~ shall be deposited to the credit of the foundation school ~~[in the general revenue] fund [and may be appropriated for any purpose as determined by the legislature, including the provision of indigent health care services as specified in Chapter 61, Health and Safety Code].~~

SECTION _____. Section 466.408(b), Government Code, as amended by this Act, applies only to a prize for which the winner is selected on or after September 1, 2013. A prize for which the winner was selected before September 1, 2013, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

Amendment No. 6 was adopted.

CSHB 2197 - REMARKS BY REPRESENTATIVE SANFORD

Friends, I come to speak against the bill today based upon the moral grounds that the lottery is a tax on poor people and is, therefore, immoral and wrong. According to The University of Texas at Arlington, the median amount of money spent each year on the lottery by someone with less than a high school education was \$600, while a person with a graduate school education spent \$156. In other words, someone who hasn't graduated high school will spend four times more playing the lottery than a person with a graduate education. Other recent reports show that playing the lottery generally decreases as education and income increases.

According to the National Gambling Impact Study commissioned by Congress, "the lottery is termed regressive because the state takes greater percentage of income from those with lower incomes." A Texas Tech study, reported in the *Austin American-Statesman*, found that households with lower incomes spent a larger proportion of their income on lottery tickets than higher income households. Additionally, the Dallas chapter of the NAACP called for an end to the lottery, saying the game drains the finances of low-income ticket buyers who can least afford it, especially minorities. The Fiscal Policy Institute states that since there is very little direct or indirect benefit to the vast majority of lottery players, it is an extremely regressive tax.

Many people say that we have to keep the lottery to help fund education, but it is failing as an effective means of education funding. In 1996, the lottery proceeds paid for about two weeks of schooling for Texas students. In 2010, it barely covered three days.

Friends, please join me in planning for and working toward doing the right thing in this matter. Let's commit to look after the interests of those who are being unfairly taxed in the name of false hope and entertainment. Let's work toward removing the great State of Texas as a complicit partner in this immoral and predatory tax on those who can least afford it.

CSHB 2197, as amended, failed to pass to engrossment by (Record 278): 65 Yeas, 81 Nays, 2 Present, not voting. (The vote was reconsidered later today, and **CSHB 2197**, as amended, was passed to engrossment by Record No. 283.)

Yeas — Allen; Alonzo; Alvarado; Anchia; Canales; Coleman; Collier; Cortez; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Farias; Farrar; Geren; Giddings; González, M.; Gonzalez, N.; Guerra; Guillen; Gutierrez; Hernandez Luna; Herrero; Howard; Hunter; Johnson; Keffer; King, T.; Kuempel; Lewis; Longoria; Lozano; Lucio; Márquez; Martínez; McClendon; Menéndez; Miles; Miller, D.; Moody; Muñoz; Naishtat; Nevárez; Oliveira; Otto; Perez; Pickett; Pitts; Price; Raymond; Reynolds; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Smith; Stephenson; Strama; Thompson, S.; Turner, C.; Turner, S.; Wu; Zerwas.

Nays — Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Capriglione; Carter; Clardy; Cook; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Goldman; Gonzales; Gooden; Harless; Hilderbran; Huberty; Hughes; Isaac; Kacal; King, K.; King, P.; King, S.;

Kleinschmidt; Klick; Kolkhorst; Krause; Larson; Laubenberg; Lavender; Leach; Miller, R.; Morrison; Murphy; Orr; Paddie; Parker; Patrick; Perry; Phillips; Raney; Ratliff; Riddle; Sanford; Schaefer; Sheets; Sheffield, J.; Simmons; Simpson; Smithee; Springer; Stickland; Taylor; Thompson, E.; Toth; Turner, E.S.; Villalba; Villarreal; Vo; Walle; White; Workman; Zedler.

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent, Excused — Martinez Fischer.

Absent — Sheffield, R.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 278. I intended to vote no.

Elkins

I was shown voting yes on Record No. 278. I intended to vote no.

Price

When Record No. 278 was taken, I was in the house but away from my desk. I would have voted no.

R. Sheffield

I was shown voting no on Record No. 278. I intended to vote yes.

Vo

GENERAL STATE CALENDAR (consideration continued)

HB 432 ON SECOND READING (by Riddle, R. Miller, S. Turner, et al.)

HB 432, A bill to be entitled An Act relating to charitable contributions by state employees to assist domestic victims of human trafficking.

HB 432 was passed to engrossment.

CSHB 1972 ON SECOND READING (by Kleinschmidt)

CSHB 1972, A bill to be entitled An Act relating to the provision of 9-1-1 services; providing criminal penalties.

CSHB 1972 was passed to engrossment.

CSHB 740 ON SECOND READING (by Crownover, S. Thompson, Keffer, et al.)

CSHB 740, A bill to be entitled An Act relating to newborn screening for critical congenital heart disease and other disorders.

CSHB 740 was passed to engrossment. (Simpson recorded voting no.)

HB 833 ON SECOND READING
(by Giddings)

HB 833, A bill to be entitled An Act relating to certain procedures regarding an application for a writ of habeas corpus filed in a noncapital felony case.

HB 833 was passed to engrossment.

RECESS

At 1:46 p.m., the chair announced that the house would stand recessed until 3 p.m. today.

AFTERNOON SESSION

The house met at 3 p.m. and was called to order by the speaker pro tempore.

CSHB 2197- NOTICE GIVEN

Pursuant to the provisions of Rule 7, Section 37(c) of the House Rules, at 3:05 p.m., Representative Larson announced his intention to make the motion to reconsider the vote by which **CSHB 2197**, as amended, failed to pass to engrossment by Record No. 278.

REMARKS ORDERED PRINTED

Representative Krause moved to print remarks by Representative Sanford on **CSHB 2197**.

The motion prevailed.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 2).

REQUEST TO INTRODUCE HOUSE BILL

Representative Simpson requested permission to introduce and have placed on first reading a house bill.

Permission to introduce was refused (not receiving the necessary four-fifths vote) by (Record 279): 90 Yeas, 53 Nays, 2 Present, not voting.

Yeas — Alonzo; Anderson; Bell; Bonnen, G.; Burkett; Burnam; Canales; Capriglione; Carter; Coleman; Collier; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, S.; Davis, Y.; Elkins; Fallon; Farias; Fletcher; Flynn; Goldman; Gonzales; Gooden; Guerra; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Hilderbran; Howard; Hughes; Isaac; Johnson; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Laubenberg; Lavender; Leach; Lewis; Lucio; Martinez; Miller, R.; Morrison; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Parker; Patrick; Perez; Perry; Phillips; Pickett; Reynolds; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, R.; Simmons; Simpson; Smithe; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Toth; Turner, E.S.; Villarreal; Vo; Walle; White; Workman; Zedler.

Nays — Allen; Alvarado; Anchia; Ashby; Aycock; Bohac; Branch; Button; Callegari; Clardy; Cook; Davis, J.; Deshotel; Dukes; Dutton; Eiland; Farney; Farrar; Frank; Frullo; Geren; Giddings; González, M.; Gonzalez, N.; Herrero; Huberty; Hunter; Kacal; King, K.; Kuempel; Larson; Longoria; Lozano; Márquez; Menéndez; Miller, D.; Moody; Muñoz; Paddie; Pitts; Price; Raney; Ratliff; Raymond; Riddle; Sheffield, J.; Smith; Thompson, S.; Turner, C.; Turner, S.; Villalba; Wu; Zerwas.

Present, not voting — Mr. Speaker; Bonnen, D.(C).

Absent, Excused — Martinez Fischer.

Absent — Guillen; Keffer; McClendon; Miles.

STATEMENTS OF VOTE

I was shown voting no on Record No. 279. I intended to vote yes.

Cook

I was shown voting yes on Record No. 279. I intended to vote no.

Guerra

I was shown voting no on Record No. 279. I intended to vote yes.

Herrero

I was shown voting no on Record No. 279. I intended to vote yes.

Hunter

I was shown voting no on Record No. 279. I intended to vote yes.

Larson

HB 397 - VOTE RECONSIDERED

Representative Larson moved to reconsider the vote by which **HB 397** was passed by Record No. 264.

The motion to reconsider prevailed.

**HB 397 ON THIRD READING
(by Larson)**

The chair laid before the house, on its third reading and final passage,

HB 397, A bill to be entitled An Act relating to the transfer of extraterritorial jurisdiction between certain home-rule and general-law municipalities and annexation of certain territory by the general-law municipalities.

HB 397 was read third time earlier today and was passed by Record No. 264.

Amendment No. 1

Representative Isaac offered the following amendment to **HB 397**:

Amend **HB 397** on third reading by striking the Isaac amendment adding Subsection (j) to Section 42.027, Local Government Code.

Amendment No. 1 was adopted.

HB 397, as amended, was passed by (Record 280): 146 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Giddings; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Bonnen, D.(C).

Absent, Excused — Martinez Fischer.

Absent — Keffer.

(Keffer in the chair)

GENERAL STATE CALENDAR
(consideration continued)

CSHB 511 ON SECOND READING
(by Murphy)

CSHB 511, A bill to be entitled An Act relating to the registration of token trailers.

CSHB 511 was passed to engrossment.

(Speaker pro tempore in the chair)

CSHB 611 ON SECOND READING
(by Guillen)

CSHB 611, A bill to be entitled An Act relating to the regulation of subdivisions in counties, including certain border and economically distressed counties.

Representative Guillen moved to postpone consideration of **CSHB 611** until 10 a.m. Thursday, April 25.

The motion prevailed.

CSHB 1284 ON SECOND READING**(by Johnson, Herrero, Moody, Naishtat, and Raney)**

CSHB 1284, A bill to be entitled An Act relating to the offense of making or causing a false alarm or report involving a public or private institution of higher education.

CSHB 1284 was passed to engrossment.

CSHB 2051 ON SECOND READING**(by Villalba, J. Davis, Branch, Vo, Workman, et al.)**

CSHB 2051, A bill to be entitled An Act relating to the authority of public institutions of higher education to make certain investments to support technology commercialization.

CSHB 2051 was passed to engrossment.

CSHB 2720 ON SECOND READING**(by Ritter)**

CSHB 2720, A bill to be entitled An Act relating to the applicability of the law governing emergency authorizations by the Texas Commission on Environmental Quality for the use of state water to certain emergency orders concerning water rights issued by the executive director of the commission.

Amendment No. 1

Representative Ritter offered the following amendment to **CSHB 2720**:

Amend **CSHB 2720** (house committee printing) as follows:

(1) On page 1, line 19, strike "and" and substitute "[~~and~~"]".

(2) On page 1, strike lines 21 and 22 and substitute the following:
water rights holders; and

(3) temporarily require a water right holder to implement mandatory drought contingency measures to mitigate an imminent hazard to the health, safety, or welfare of the public.

(3) On page 2, line 1, after "TEMPORARILY", add "OR TEMPORARILY AMEND WATER RIGHT".

(4) On page 2, line 4, strike "Subsection (m)" and substitute "Subsections (m) and (n)".

(5) On page 4, between lines 6 and 7, insert the following:

(n) Notwithstanding Subsection (b), a river authority may seek an emergency authorization to amend its water management plan if the water management plan:

(1) consists of a reservoir operation plan for the operation of two water supply reservoirs; and

(2) was originally required by court order adjudicating the water rights for those reservoirs.

Amendment No. 1 was adopted.

CSHB 2720, as amended, was passed to engrossment. (Springer and Zedler recorded voting no.)

HB 3946 - PERMISSION TO INTRODUCE

Representative N. Gonzalez requested permission to introduce and have placed on first reading **HB 3946**.

Permission to introduce was granted by (Record 281): 146 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Giddings; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Bonnen, D.(C).

Absent, Excused — Martinez Fischer.

Absent — Krause.

HOUSE AT EASE

At 3:41 p.m., the chair announced that the house would stand at ease.

The chair called the house to order at 4:13 p.m.

CSHB 2197 - VOTE RECONSIDERED

Representative Larson moved to reconsider the vote by which **CSHB 2197**, as amended, failed to pass to engrossment by Record No. 278.

The motion to reconsider prevailed by (Record 282): 110 Yeas, 37 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Aycock; Bell; Bonnen, D.(C); Branch; Burkett; Burnam; Button; Callegari; Canales; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Farias; Farney; Farrar; Geren; Giddings; Gonzales; González, M.; Gonzalez, N.; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hunter; Johnson; Kacal; Keffer; King, K.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Lavender; Lewis; Longoria; Lozano;

Lucio; Márquez; Martinez; McClendon; Menéndez; Miles; Miller, D.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sheffield, J.; Sheffield, R.; Smith; Smithee; Stephenson; Strama; Thompson, S.; Turner, C.; Turner, S.; Villalba; Villarreal; Vo; Walle; Wu; Zerwas.

Nays — Anderson; Ashby; Bohac; Bonnen, G.; Capriglione; Carter; Fallon; Fletcher; Flynn; Frank; Frullo; Goldman; Gooden; Hughes; Isaac; King, P.; Krause; Laubenberg; Leach; Miller, R.; Perry; Phillips; Riddle; Sanford; Schaefer; Sheets; Simmons; Simpson; Springer; Stickland; Taylor; Thompson, E.; Toth; Turner, E.S.; White; Workman; Zedler.

Present, not voting — Mr. Speaker.

Absent, Excused — Martinez Fischer.

Absent — Klick.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 282. I intended to vote no.

Branch

When Record No. 282 was taken, I was in the house but away from my desk. I would have voted no.

Klick

I was shown voting yes on Record No. 282. I intended to vote no.

Orr

I was shown voting yes on Record No. 282. I intended to vote no.

Smithee

CSHB 2197 ON SECOND READING (by Anchia)

The chair laid before the house, on its second reading and passage to engrossment,

CSHB 2197, A bill to be entitled An Act relating to the continuation and functions of the Texas Lottery Commission; providing penalties; imposing and changing fees.

CSHB 2197 was read second time earlier today and failed to pass to engrossment, as amended, by Record No. 278.

CSHB 2197, as amended, was passed to engrossment by (Record 283): 92 Yeas, 53 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Aycock; Bohac; Branch; Burnam; Callegari; Canales; Coleman; Collier; Cook; Cortez; Craddick; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Farias; Farney; Farrar; Giddings; Gonzales; González,

M.; Gonzalez, N.; Guerra; Guillen; Gutierrez; Hernandez Luna; Herrero; Howard; Huberty; Hunter; Johnson; Kacal; Keffer; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; McClendon; Menéndez; Miles; Miller, D.; Moody; Muñoz; Naishtat; Nevárez; Oliveira; Otto; Patrick; Perez; Pickett; Pitts; Price; Raney; Raymond; Reynolds; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sheffield, J.; Sheffield, R.; Smith; Stephenson; Strama; Thompson, S.; Turner, C.; Turner, S.; Villalba; Villarreal; Vo; Walle; Wu; Zerwas.

Nays — Anderson; Ashby; Bell; Bonnen, G.; Button; Capriglione; Carter; Clardy; Creighton; Fallon; Fletcher; Flynn; Frank; Frullo; Goldman; Gooden; Harless; Harper-Brown; Hilderbran; Hughes; Isaac; King, K.; King, P.; Klick; Krause; Laubenberg; Lavender; Leach; Miller, R.; Morrison; Murphy; Orr; Paddie; Parker; Perry; Phillips; Ratliff; Riddle; Sanford; Schaefer; Sheets; Simmons; Simpson; Smithee; Springer; Stickland; Taylor; Thompson, E.; Toth; Turner, E.S.; White; Workman; Zedler.

Present, not voting — Mr. Speaker; Bonnen, D.(C).

Absent, Excused — Martinez Fischer.

Absent — Burkett; Geren.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 283. I intended to vote no.

Branch

When Record No. 283 was taken, I was in the house but away from my desk. I would have voted no.

Burkett

When Record No. 283 was taken, my vote failed to register. I would have voted yes.

Geren

REASONS FOR VOTE

I initially voted against **CSHB 2197** because of my deep moral concerns with our state's reliance on lottery funds. However, because charity bingo is also included in the act, I later decided to reconsider this bill. There are worthy civic and religious organizations in the seven counties I represent which rely on charity bingo as a main source of fundraising, and therefore I hope that in the future we can protect these charities while removing the troubling trend of Texas school finance relying on a state lottery addiction.

Kolkhorst

I initially voted against **CSHB 2197** because of my concern with our state relying on an individual's participation in lottery games in order to help fund Texas education. Due to the fact that charity bingo was also included in this act, I decided to reconsider and vote in support of **CSHB 2197**. There are many groups in my district that operate charitable bingo games in order to support their respective charities. I sincerely hope that the legislature will look into a manner in which we can resolve lottery gaming and charitable bingo while also preserving Texas schools.

R. Sheffield

FIVE-DAY POSTING RULE SUSPENDED

Representative Geren moved to suspend the five-day posting rule to allow the Committee on Special Purpose Districts to consider **HB 1260** at 8 a.m. tomorrow in E2.014.

The motion prevailed.

Representative Kolkhorst moved to suspend the five-day posting rule to allow the Committee on Public Health to consider **HB 245**, **HB 1750**, and the previously posted agenda at 8 a.m. tomorrow in E2.012.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Public Health, 8 a.m. tomorrow, E2.012, for a public hearing, to consider **HB 245**, **HB 1750**, and the previously posted agenda.

Special Purpose Districts, 8 a.m. tomorrow, E2.014, for a public hearing, to consider **HB 1260** and pending business.

CORRECTIONS IN REFERRAL

Pursuant to Rule 1, Section 4 of the House Rules, the chair at this time corrected the referral of measures to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

County Affairs, upon adjournment today, 3W.15, for a formal meeting, to consider pending business.

Transportation, upon adjournment today, Desk 26, for a formal meeting, to consider pending business.

Higher Education, upon adjournment today, Desk 94, for a formal meeting, to consider pending business.

Public Health, 15 minutes after adjournment today, 1W.14, for a formal meeting, to consider pending business.

Defense and Veterans' Affairs, upon adjournment today, Desk 11, for a formal meeting, to consider pending business.

Homeland Security and Public Safety, upon adjournment today, Desk 15, for a formal meeting, to consider pending business.

FIVE-DAY POSTING RULE SUSPENDED

Representative Branch moved to suspend the five-day posting rule to allow the Committee on Higher Education to consider **HB 2036** at 8 a.m. tomorrow in E1.014.

The motion prevailed.

Representative Smithee moved to suspend the five-day posting rule to allow the Committee on Insurance to consider **HB 2925** at 2 p.m. or upon adjournment today in E2.026.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Higher Education, 8 a.m. tomorrow, E1.014, for a public hearing, to consider **HB 2036** and the previously posted agenda.

FIVE-DAY POSTING RULE SUSPENDED

Representative Pickett moved to suspend the five-day posting rule to allow the Committee on Homeland Security and Public Safety to consider **HB 3370** at 8 a.m. Thursday, April 25 in E2.010.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Homeland Security and Public Safety, 8 a.m. Thursday, April 25, E2.010, for a public hearing, to consider **HB 3370** and the previously posted agenda.

Insurance, 2 p.m. or upon adjournment today, E2.026, for a public hearing, to consider **HB 2925** and the previously posted agenda.

ADJOURNMENT

Representative J. Rodriguez moved that the house adjourn until 10 a.m. tomorrow in memory of Demetrio Rodriguez of San Antonio.

The motion prevailed.

The house accordingly, at 4:25 p.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

Pursuant to Rule 1, Section 4 of the House Rules, the chair corrects the referral of the following bills and resolutions:

HB 2036 (By Branch), Relating to the creation of a commission to prepare for the celebration of the state's bicentennial.

To Higher Education.

SB 67 to Higher Education.

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Tuesday, April 23, 2013 - 1

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 190 Huffman

Relating to the prescription and pharmaceutical substitution of biological products.

SB 991 West

Relating to the release of certain inmates on medically recommended intensive supervision.

SB 1670 Nichols

Relating to the fees for oversize and overweight vehicle permits.

SB 1671 Nichols

Relating to the fines for and other enforcement of laws providing for the operation of oversize or overweight vehicles.

SB 1756 Uresti

Relating to the expedited processing of certain applications for permits under the Clean Air Act; authorizing a surcharge.

SB 1795 Watson

Relating to the regulation of navigators for health benefit exchanges.

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Tuesday, April 23, 2013 - 2

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 1247

Carona

Relating to credit services organizations and extensions of consumer credit facilitated by credit services organizations; providing civil and administrative penalties.

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

April 22

Agriculture and Livestock - **HB 1382, HB 2311, HB 3706**

Business and Industry - **HB 1424, HB 2075**

County Affairs - **HB 1442, HB 1932, HB 2112, HB 2206, HB 2454, HB 2688, HB 2832, HB 3097, HB 3795, HB 3905, HJR 147, SB 233, SB 334, SB 560**

Defense and Veterans' Affairs - **HB 1458, HB 2424, HB 3063, HB 3066, SB 162, SB 165, SB 846**

Economic and Small Business Development - **HB 533, HB 1982, HB 3662**

Environmental Regulation - **HB 2290, SB 875, SB 1300**

Federalism and Fiscal Responsibility, Select - **HB 3185, HB 3709, HCR 60, HCR 64, HCR 72, HJR 101**

Government Efficiency and Reform - **HB 1050, HB 2414**

Homeland Security and Public Safety - **HB 375, HB 3412, HB 3523**

Human Services - **HB 1536, HB 1971, HB 2072, HB 2383, HB 2495, HB 2619, HB 2647, HB 3158, HB 3401, HB 3729**

Insurance - **HB 592, HB 1203, HB 2447**

International Trade and Intergovernmental Affairs - **HB 138, HB 1454**

Investments and Financial Services - **HB 3486**

Judiciary and Civil Jurisprudence - **HB 581, HB 1228, HB 1755, HB 1759, HB 1846, HB 2025, HB 2124, HB 2321, HB 2407, HB 2409, HB 2621, HB 2913, HB 2918**

Licensing and Administrative Procedures - **HB 880, SB 228, SB 350, SB 642, SB 652, SB 905**

Natural Resources - **HB 1324, HB 1563, SB 198, SB 1012, SB 1026**

Public Health - **HB 1340, HB 2020, HB 2042, HB 3556**

Special Purpose Districts - **HB 1124**

State Affairs - **HB 550**

Technology - **HB 2668, SB 166, SB 181**

Transportation - **HB 3413**

Ways and Means - **HB 416, HB 585, HB 1736**

ENGROSSED

April 22 - HB 630, HB 1325, HB 1752

SENT TO THE GOVERNOR

April 22 - HCR 24, HCR 109

